

Docket No.: 043888-0395

## **PATENT**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Customer Number: 53080

Masaya UGAJI, et al.

Confirmation Number: 6442

Application No.: 10/551,935

Group Art Unit: 1795

Filed: October 04, 2005

Examiner: Maria J. LAIOS

For:

SOLID ELECTROLYTE AND ALL SOLID STATE BATTERY CONTAINING THE

SAME

## RESPONSE UNDER 37 C.F.R. § 1.111

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated October 9, 2008, wherein a three-month shortened statutory period for response is set to expire on January 9, 2009, Applicants respectfully request reconsideration of the above-identified application in view of the following remarks.

10/551,935

Claims 1 and 4-7 are pending.

The Examiner rejected claims 1 and 4-7 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-3 and 9 of copending application No. 10/575,889. Since allowable subject matter has not been indicated in application No. 10/575,889, and the instant application is the earlier filed application, Applicants respectfully request that the provisional double-patenting rejection be withdrawn and the case passed to issue. If necessary, a terminal disclaimer can be filed in application No. 10/575,889.

Having fully responded to all matters raised in the Office Action, Applicants submit that an indication for allowable subject matter is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Respectfully submitted,

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Date: December 3, 2008